

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PATRICK S. RYAN,

Plaintiff,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States of
America,

and

WILBUR L. ROSS, JR., in his official
capacity as United States Secretary of
Commerce,

Defendants.

Case No. 3:20-cv-05948 (VGC)

**[PROPOSED] TEMPORARY
RESTRAINING ORDER**

[PROPOSED] ORDER

Upon review of Notice of Ex Parte Motion and Ex Parte Motion for a Temporary Restraining Order; the Memorandum of Law in Support of Plaintiff's Ex Parte Motion for a Temporary Restraining Order; the Declaration of Patrick S. Ryan and the exhibit attached thereto, Plaintiff's Ex Parte Motion for a Temporary Restraining Order is GRANTED. Pursuant to Rule 65 of the Federal Rules of Civil Procedure and Civil L. R. 65-1, the Court orders as follows:

TEMPORARY RESTRAINING ORDER

The Court concludes that Plaintiff has met his burden of showing: (1) a likelihood of success on the merits of his claims under the Due Process Clause of the Fifth Amendment and that the Executive Order is *ultra vires*; (2) that the implementation of the August 6, 2020 Executive Order 13942 is causing and will cause irreparable harm to Plaintiff absent a temporary restraining order; (3) that the balance of

equities weighs in Plaintiff's favor; and (4) that the public interest favors granting the motion.

Accordingly, a temporary restraining order pursuant to Federal Rule of Civil Procedure 65 and the inherent equitable powers of this Court is warranted.

It is hereby ORDERED THAT:

- a. Defendants are enjoined, and each of them, from enforcing the August 6, 2020 Executive Order 13942 to prohibit the payment of wages and salaries to Plaintiff or any other U.S. employee of TikTok;
- b. Defendants are enjoined, and each of them, from seeking to impose civil or criminal penalties on Plaintiff or any other U.S. employee of TikTok pursuant to 50 U.S.C. § 1705 for any alleged violation of the Executive Order 13942 based on any conduct that occurs (i) before the Secretary of Commerce identifies what "transactions" are prohibited by the Order; or (ii) any conduct by Plaintiff or any other U.S. employee of TikTok that is part of their regular job duties and responsibilities; and
- c. No security shall be required.

ORDER TO SHOW CAUSE

Defendants are ordered to show cause before this Court why a preliminary injunction should not issue enjoining Defendants from enforcing Executive Order 13942 or otherwise seeking to impose civil or criminal penalties on Plaintiff or any other U.S. employee of TikTok pursuant to 50 U.S.C. § 1705 for any alleged violation of the Executive Order 13942 that occurs (i) before the Secretary of Commerce identifies what "transactions" are prohibited by the Order; or (ii) any conduct by Plaintiff or any other U.S. employee of TikTok that is part of their regular job duties and responsibilities. The hearing on the order to show cause will be held on _____ at _____.

IT IS SO ORDERED.

Dated this day of September 2020

United States District Judge